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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

September 28, 2010

Certified Return Receipt
7005 2570 0000 4801 6034

Tracy Burnham
Eureka Rock Products, LLC
1584 South 580 East
American Fork, Utah 84003

Subject: Deficient Reclamation Surety, Eureka Rock Products, Eureka Rock, S/023/0094, Juab County, Utah

Dear Mr.  Burnham:

On December 29, 2009, the Division wrote Ben McInnes at your address and notified him that an increase was needed in the reclamation surety for the referenced mine from \$15,300.00 to \$20,300.00 (three-year escalation to 2012) or \$20,800 (five-year escalation to 2014). The letter was delivered January 13, 2010, and a response was required by February 15, 2010, but no response has been received.

I understand Ben is no longer associated with Decorative Landscaping, and the business registration for Eureka Rock Products LLC has expired. However, you are listed as the manager and as a member of this company.

The 2009 letter detailed the increase in reclamation surety as follows:

Project Size (Acres)	Surety 3 & 5 year escalation	Comments
1 or less acres	\$7,400 (3-year escalation) \$7,600 (5-year escalation)	Minimum amount required
Additional acres up to 5 acres	\$4,300/ acre (3-year escalation) \$4,400/acre (5-year escalation)	Partial acreages rounded up (e.g., 1.2 acres = 2 acres)
Cumulative Amount for 5-acres	(i.e. Maximum of 5 acres = \$7,400 +\$17,200 = \$24,600) (3-year escalation) (i.e. Maximum of 5 acres = \$7,600 +\$17,600 = \$25,200) (5-year escalation)	\$600.00 difference between 3 and 5 year escalation amount for 5-acres of disturbance.

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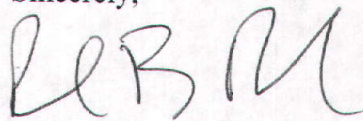
Please submit the increased surety no later than November 1, 2010. In addition, the Division has not received the annual permit fee for 2010-2011 in the amount of \$150.00, and the business registration needs to be renewed.

Please contact the Division if you desire to reclaim the site rather than submit the surety. If you decide to pursue this course, the reclamation must be completed by November 1, 2010.

Failure to increase the surety or to reclaim the site may result in issuance of a cessation order which, if not abated, would result in a civil penalty of up to \$750.00 for each day of non-compliance.

Please contact surety coordinator, Penny Berry, for instructions on how to submit the increased surety. She can be reached at 801-538-5291 or by e mail at bondcoordinator@utah.gov. If you have other questions or concerns regarding this letter, please contact me at 801-538-5261 or Wayne Western at 801-538-5263.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Baker'.

Paul Baker
Minerals Program Manager